

Message Text

CONFIDENTIAL

PAGE 01 TEL AV 02534 01 OF 02 311017 Z

11

ACTION NEA-12

INFO OCT-01 IO-12 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-10

L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 USIA-12

AID-20 EB-11 SR-02 ORM-03 OMB-01 TRSE-00 RSR-01 AGR-20

/148 W

----- 073857

R 301510 Z MAR 73

FM AMEMBASSY TEL AVIV

TO SECSTATE WASHDC 7889

INFO AMEMBASSY AMMAN

AMEMBASSY BEIRUT

USINT CAIRO

AMCONSUL JERUSALEM

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 TEL AVIV 2534

E. O. 11652: GDS

TAGS: PFOR, PBOR, IS, JO

SUBJECT: JEWISH PURCHASE OF WEST BANK LAND

REF: A) TEL AVIV 1282, B) TEL AVIV 1508,

SUMMARY: MFA HAS AGAIN INFORMED EMB THAT GOI DECISION ON PROPOSAL TO AUTHORIZE JEWS BUY LAND IN WEST BANK IS NOT IMMINENT AND THAT PROPOSAL HAS NOT EVEN BEEN BROUGHT UP FORMALLY WITHIN GOI. ISRAELI JOURNALIST WHO IS FOLLOWING ISSUE AGREES WITH MFA ASSESSMENT RE TIMING. WHAT ONCE SEEMED A SURE THING IS NOW MEETING RESISTANCE IN GOI. MEANWHILE, ISRAELIS HAVE BEEN ARRANGING ILLEGALLY, THROUGH POWERS OF ATTORNEY FROM WEST BANK ARAB LANDOWNERS AND ACTUAL PAYMENTS TO THEM, TO TAKE FORMAL TITLE TO PLOTS AS SOON AS THIS CAN BE LEGALIZED. THIS HAS BEEN GOING ON AT LEAST PAST TWO MONTHS OR SO, LARGELY IF NOT ALMOST ENTIRELY IN IMMEDIATE JERUSALEM AREA. MAJOR CONCERN APPEARS TO BE RISING ON PART OF ISRAELI AUTHORITIES OVER HOW TO PREVENT THIS GROWING ILLEGAL LAND SPECULATION. ALSO, THIS LAND SPECULATION HAS BEEN ENCOURAGED BY DANAYN' S PUBLIC CAMPUIGN FOR CHANGE OF GOI
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 TEL AV 02534 01 OF 02 311017 Z

POLICY ON THIS SUBJECT. DAYAN' S CAMPAIGN, HOWEVER, SEEMS TO HAVE EMBROILED ISSUE IN INTERNAL LABOR PARTY POWER STRUGGLE, WHICH COULD LEAD TO FURTHER DELAYS AND ULTIMATELY TO WATERED DOWN COMPROMISE. IN EMB' S VIEW, PROPOSED LIBERALIZATION OF GOI POLICY IS SUBJECT OF CONCERN TO US POLICY AS POTENTIAL FURTHER OBSTACLE TO JORDAN- ISRAEL PEACE. HOWEVER, IT APPEARS TO US THAT CASE FOR ANY USG REPRESENTATION WOULD BE WEAK AS LONG AS PROPOSED GOI ACTION WOULD NOT CONTRAVENE JORDANIAN LAW. END SUMMARY.

1. MFA (YARDEN) AFTER CHECKING WITHIN GOI INFORMED EMB MAR 28 THAT QUESTION OF PERMITTING ISRAELIS TO PURCHASE LAND IN WEST BANK STILL HAS NOT BEEN OFFICIALLY SUBMITTED TO ANY GOI AUTHORITY. YARDEN SAID THAT WELTER OF PRESS REPORTING AND COMMENTS BY MINISTERS AND POLITICAL PARTIES CONTINUES TO BE SOLELY EXPRESSIONS OF PERSONAL VIEWS. YARDEN THEN READ FOLLOWING

STATEMENT: " THERE IS NO EVIDENCE AS OF TODAY (MARCH 28) THAT THIS QUESTION WILL BE BROUGHT BEFORE THE GOI IN THE NEAR FUTURE." YARDEN, IN PERSONAL COMMENT, EXPLAINED THAT SITUATION COULD CHANGE AND SAID HE WOULD ADVISE EMB IF SUCH A CHANGE TOOK PLACE PROVIDED HE WAS MADE AWARE OF IT.

2. ONE PRESS REPORT MARCH 30 CLAIMS SUBJECT MAY BE DEBATED IN CABINET AS SOON AS APRIL 1, BUT JOURNALIST (MARGALIT) WHO HAS BEEN FOLLOWING ISSUE TOLD EMB HE DID NOT EXPECT ANY DECISIONS FOR SEVERAL WEEKS.

3. AT ISSUE IS WEST BANK MILITARY GOVT ORDER OF JUNE 18, 1967 PROVIDING: BEGIN TEXT: A) " NO PERSON IS TO CARRY OUT ANY TRANSACTION EITHER BY HIMSELF OR BY SOME OTHER PERSON, EITHER INDIRECTLY OR DIRECTLY EXCEPT WITH LICENSE FROM THE AUTHORIZED AUTHORITY, B) IF FORBIDDEN TRANSACTION IS CARRIED OUT IN CONTRAVENTION OF THE LICENSE IT SHALL BE VOID, AB INITO, AND HAVE NO CONSEQUENCE OTHER THAN THOSE STATED IN (C); C) A PERSON WHO CONTRAVENES ANY OF THE PROVISIONS OF (A) OR ACTS IN CONTRAVENTION OF THE LICENSE IS LIABLE TO PUNISHMENT OF VIE YEARS IN PREISON OR FINE OF 1500 DINAR OR BOTH OF THEM COMBINED. END TEXT. " AUTHORIZED AUTHORITY" IS DEFINED IN REGULATION AS WEST BANK MILITARY GOVT .

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 TEL AV 02534 01 OF 02 311017 Z

EMBASSY UNDERSTANDS THAT FORMAL GOI POLICY SINCE 1967 HAS

BEEN TO APPROVE VIRTUALLY NO ACQUISITION OF WEST BANK REAL ESTATE BY ISRAELIS, AND THAT FORMAL GOI DECISION WOULD BE NECESSARY TO CHANGE POLICY. ACCORDING TO PRESS, GOI HAS ALSO BEEN DISAPPROVING APPLICATIONS BY FOREIGN (E. E., AMERICAN) JEWS TO BUY WEST BANK LAND.

4. THAT KEY TO PROBLEM IS 1967 ISRAELI REGULATION AND ITS INTER- PRETATION RATHER THAN PROSPECTIVE ISRAELI VIOLATION OF JORDANIAN LAW, WHICH GOI KNOWS MUST BE APPLIED IN WEST BANK AS OCCUPIED AREA, SEEMS REASONABLE CERTAIN, BUT EMB CANNOT BE POSITIVE AND WOULD BE INTERESTED IN VIEW OF EMBASSY AMMAN. EMB HAS TWICE THIS WEEK REQUESTED INFO ON JORDANIAN LAW CONCERNING LAND TRANSACTIONS FROM LEGAL ADVISER ROSENNE OF MFA. ROSENNE HAS PROMISED TO PROVIDE THIS INFO BUT HAS STIL NOOLDONE SO (HE DID PROVIDE TEXT ABOVE OF 1967 ISRAELI REGULATION). ROSENNE HAS STATED IT IS HIS IMPORESSION THERE IS NO PROHIBITION OF LAND SALES TO FOREIGNERS IN JORDANIAN LAW. ROSENNE ADDED, HOWEVER, THAT LAW MAY PROHIBIT SUCH SALES TO JEWS; IF SO, GOI WOULD BE ENTITLED TO IGNORE SUCH PROVISION ON GROUNDS IT CONTRAVENES PUBLIC ORDER. BRITISH EMBOFF HAS VOLUNTEERED TO US HE SUSPECTS JORDANIAN LAW DOES PROHIBIT SALES TO JEWS.

5. DEFMIN DAYAN, BACKED PIBLICLY BY MINISTERS PERES, WARHAFTIG AND CHAZANI, IS WAGING CONCERTED EFFORT TO GET CABINET APPROVAL FOR LIBERALIZATION OF GUIDELINES FOR GRANTING LICENSES TO ISRAELI JEWS. DAYAN MADE HIS CASE FORCEFULLY ON MARCH 29 TO LABOR PARTY FORUM . ACCORDING TO PRESS ACCOUNTS, DAYAN' S PROPOSUL IS MEETING RESISTANCE IN CABINET FROM NUMBER OF MINISTERS INCLUDING PRIMIN MEIR, WHO REPORTEDLY FAVORS SOME LIBERALIZATION BUT WANTS CAREFUL GUIDELINES DRAWN TO PREVENT LAND SPECULATION.

CONFIDENTIAL

ADP000
CONFIDENTIAL

PAGE 01 TEL AV 02534 02 OF 02 311048 Z

12
ACTION NEA-12

INFO OCT-01 IO-12 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-10

L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 USIA-12

AID-20 SR-02 ORM-03 OMB-01 TRSE-00 EB-11 AGR-20 RSR-01

/148 W

----- 073981

R 301510 Z MAR 73
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 7890
INFO AMEMBASSY AMMAN
AMEMBASSY BEIRUT
USINT CAIRO
AMCONSUL JERUSALEM
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 2 OF 2 TEL AVIV 2534

6. ONLY MINISTERIAL OPPONENT TO REJECT LIBERALIZATION PUBLICLY IS MAPAM'S SHEMTOV, WHO ASKED IF IT IS POSSIBLE IN A STATE WHERE CITIZENS HAVE EQUAL RIGHTS ON PAPER FOR JEWS TO BE GIVEN RIGHT TO BUY LAND ANYWHERE WHILE ARABS ARE GUARANTEED RIGHT ONLY TO SELL LAND ANYWHERE (I. E. NOT TO BUY IN JEWISH AREAS.) SHEMTOV HAS FURTHER STATED THAT WHEN JEWS START BUYING LAND IN TERRITORIES, ECONOMIC PRESSURE GROUPS OF NEW JEWISH LAND OWNERS WILL BE FORMED URGING GOI TO ANNEX LAND, AND SOON IT WILL BE SAID THE IDF WILL NOT WITHDRAW FROM ANY PLACE WHERE JEWS OWN LAND.

7. EMB UNDERSTANDS THAT ISRAELIS HAVE BEEN ARRANGING PROSPECTIVE PURCHASES OF LAND IN WEST BANK ILLEGALLY FOR SOME TIME NOW THROUGH OBTAINING POWERS OF ATTORNEY FROM ARAB SELLERS PERMITTING BUYERS TO REGISTER TRANSFER OF TITLE AS SOON AS THIS CAN BE DONE LEGALLY, FOR WHICH ARABS RECEIVING FULL PAYMENT. PRACTICE HAS REPORTEDLY BEEN SUBJECT TO ABUSE, WITH A NUMBER OF ISRAELI PURCHASERS HAVING BEEN BILKED. WE HAVE SO FAR NO BASIS FOR ESTIMATING SCALE OF THESE ILLEGAL ARRANGEMENTS, BUT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 TEL AV 02534 02 OF 02 311048 Z

PRESS SAYS THAT THEIR NUMBER HAS BEEN SNOW-BALLING IN PAST FEW WEEKS IN IMMEDIATE JERUSALEM AREA AND THAT DAYAN'S CAMPAIGN FOR LIBERALIZATION HAS BEEN HELPING STIMULATE INTEREST IN MAKING THESE ARRANGEMENTS.

8. MARGALIT HAS TOLD EMB OFF THAT INTEREST IN PURCHASING LAND FOCUSED EXCLUSIVELY ON ENVIRONS OF JERUSALEM AND EVEN IF DOORS THROWN WIDE OPEN, HE WOULD NOT EXPECT MUCH INTEREST IN OTHER PARTS OF WEST BANK WITH POSSIBLE EXCEPTION OF HEBRON. HOWEVER, DAYAN MADE IT CLEAR IN MARCH 29 SPEECH THAT HE, FOR ONE, IS SPEAKING ABOUT FAR MORE THAN A FEW LOCALIZED AREAS AROUND JERUSALEM AND HEBRON.

9. COMMENT: EMB DOES NOT BELIEVE THAT POLICY DECISION FOR LIBERALIZATION OF PURCHASE RESTRICTIONS WILL BE REACHED IN

NEXT FEW DAYS. HOWEVER, IDEA HAS GENERATED CONSIDERABLE SYMPATHY, AND IF AMPLE SAFEGUARDS AGAINST SPECULATION AS WELL AS LIMITATIONS ON WHERE LAND CAN BE PURCHASED CAN BE WORKED OUT, GOI MAY WELL APPROVE SUCH PROPOSAL. WHEN JUSTICE MINISTER SHAPIRO SPOKE OF IDEA FEB 14 (REFTEL A), HE OBVIOUSLY FELT THERE WAS CONSENSUS IN GOI BEHIND IDEAM THUS, OPPOSITION THAT HAS COME UP IS PROBABLY MORE ON GROUND OF TECHNICAL DETAILS AND KINDS OF LIMITATIONS THAN ON PRINCIPLE INVOLVED. DAYAN' S STRONG PUBLIC CAMPAIGN TO PUSH IDEA, HOWEVER, HAS BEGUN TO EMBROIL IT IN LABOR PARTY POWER STRUGGLE AND MAY BE INSPIRING SAPIR AND HIS SUPPORTERS TO FIRMLY RESIST. AT THE LEAST, THIS WILL PROBABLY DELAY GOI DECISION AND COULD LEAD TO WATERED DOWN COMPROMISE, MUCH AS DAYAN' S PROPOSAL FOR CITY OF YAMIT IN RAFAH JUNCTION WAS REDUCED TO APPROVAL FOR BUILDING LESS AMBITIOUS REGIONAL CENTER THERE. THOUGH EMB VIEWS PROPOSAL WITH CONCERN ON POLICY GROUNDS, WE WONDER WHETHER THERE WOULD BE BASIS FOR USG REGPRESENTATION TO GOI THIS QUESTION UNDER INTERNATIMNAL LAW OR RELEVANT TREATIES PROVIDED SALE OF LAND TO FOREIGNERS IS NOT PROSCRIBED BY JORDANIAN LAW AND PROVIDED SELLERS ACTED FREELY AND GOT FAIR MARKET VALUE FOR LAND. (WE SUSPECT THEY WOULD BE GETTING MUCH MORE THAN USUYAL JORDANIAN PRICE IN VIEW OF SPECIAL ATTRACTION OF LAND TO ISRAELIS.)
ZURHELLEN

CONFIDENTIAL

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 30 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973TELAV02534
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: n/a
Film Number: n/a
From: TEL AVIV
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730343/aaaaingy.tel
Line Count: 251
Locator: TEXT ON-LINE
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 TEL AVIV 1282, 73 TEL AVIV 1508
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 10 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10-Dec-2001 by kelleyw0>; APPROVED <03-Jan-2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> srp 980113
Subject: JEWISH PURCHASE OF WEST BANK LAND
TAGS: PBOR, PFOR, IS, JO
To: NEA
SECSTATE WASHDC INFO AMMAN
CAIRO
JERUSALEM
MULTIPLE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

